

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 DANIEL U. ACEDO,

12 Plaintiff,

13 v.

14 ERNEST PINEDO, police officer, et al.,

15 Defendants.
16

Case No. 14cv903-JAH (MDD)

**ORDER DENYING PLAINTIFF'S
MOTION TO REVIEW THE
CLERK'S ORDER TAXING COSTS
(Doc. No. 233)**

17 **INTRODUCTION**

18 Pending before the Court is Plaintiff Daniel U. Acedo's ("Plaintiff" or "Petitioner")
19 motion to review the clerk's order taxing costs ("Motion"). See Doc. No. 233. After
20 careful consideration, the Court **DENIES** Plaintiff's motion to review the clerk's order
21 taxing costs.

22 **BACKGROUND**¹

23 On March 22, 2017, this Court issued an Order (1) overruling Petitioner's objections;
24 (2) adopting the Magistrate Judge's report; GRANTING Defendants/Respondents' motion
25 for summary judgment; and denying Petitioner's related evidentiary motions. See Doc.
26

27
28 ¹ The Court addressed the case's prior factual and procedural history in its Order granting Defendants'
motion for summary judgment. See Doc. No. 214.

No. 214. On April 3, 2017, Defendants submitted a bill of costs in the amount of \$1,199.98. See Doc. No. 217. The Court held a hearing on this matter on April 19, 2017. Plaintiff filed an objection to the bill of costs on April 17, 2017. See Doc. No. 226. On April 20, 2017, costs in the amount of \$1,199.98 were taxed against Plaintiff. See Doc. No. 227. Plaintiff filed the pending motion to review the clerk’s order taxing costs on May 10, 2017. See Doc. No. 233.

DISCUSSION

Rule 54 of the Federal Rules of Civil Procedure provides in pertinent part:

Unless a federal statute, these rules, or a court order provides otherwise, costs – other than attorney’s fees – should be allowed to the prevailing party....The clerk may tax costs on 14 days’ notice. On motion served within the next 7 days, the court may review the clerk’s action

Fed. R. Civ. P. 54(d)(1).

The Ninth Circuit has determined the following reasons are appropriate for denying costs: “(1) the substantial public importance of the case, (2) the closeness and difficulty of the issues in the case, (3) the chilling effect on future similar actions, (4) the plaintiff’s limited financial resources, and (5) the economic disparity between the parties.” Escriba v. Foster Poultry Farms, Inc., 743 F.3d 1236, 1247-48 (9th Cir. 2014).

Here in his Motion, Plaintiff does not address the aforementioned reasons. See Doc. No. 233. Instead, Plaintiff argues that Defendants did not provide sufficient documentation in support of the bill of costs. Doc. No. 233. Plaintiff further argues that allowing the bill of costs to remain would be prejudicial. Id. The Court finds that Plaintiff has inadequately addressed reasons that the Ninth Circuit has deemed appropriate for denying costs. See Escriba, 743 F.3d at 1247-48.

//

//

//

//

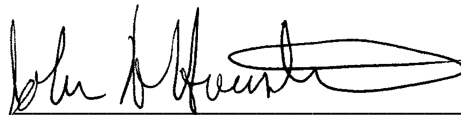
//

1 **CONCLUSION**

2 Based on the foregoing reasons, Plaintiff's motion to review the clerk's order taxing
3 costs (Doc. No. 233) is **DENIED**.

4 **IT IS SO ORDERED.**

5 DATED: April 1, 2019

6
7 

8 JOHN A. HOUSTON
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28